

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGEMENT NO. 160 OF 2004
IN
SUMMARY SUIT NO. 3209 OF 2003

Ravison Stores Pvt. Ltd. .. Plaintiff
versus
Prabhudas Hirji & Co. & ors. .. Defendants

...

Ms.Laxmi i/b Ms.Rekha Shukla for the plaintiff.

CORAM : D.G. KARNIK, J.

DATED : 7th February 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendant. The learned counsel for the plaintiff hands in affidavit of service dated 19th January 2005. The counsel also hands in documents under a list. Affidavit of service is taken on record and marked Exhibit "A". The documents are taken on record and collectively marked

Exhibit-B.

2. Despite service of Summons for Judgement, the defendants have not applied for leave to defend nor they have filed any affidavit in reply. In the circumstances, the averments made in the plaint are deemed to be admitted. The plaintiff is also entitled to a decree under clause (a) of sub rule (6) of Rule 3 of Order 37 of the Code of Civil Procedure.

3. The plaintiff has filed on record the original bills of exchange which is drawn by the defendant no.1 and accepted by the defendant no.2. The defendant nos.3 to 6 are the partners of defendant no.1 as well as defendant no.2. Since the execution of the bills of exchange and its acceptance is not denied, the plaintiff is entitled to a decree as prayed. Hence, Summons for Judgement is made absolute and the suit of the plaintiff is decreed in terms of prayer clause of the plaint. Court fee refund as per rules.

D.G. KARNIK, J